

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ARI TEMAN,

Defendant.

19-CR-696 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

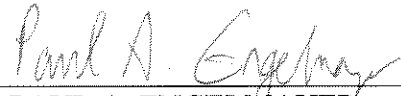
On June 5, 2020, the Court issued a decision denying the post-trial motions made by defendant Ari Teman, including for a new trial under Federal Rule of Criminal Procedure 33. Dkt. 138. On August 18, 2023, the mandate of the United States Court of Appeals for the Second Circuit issued, affirming in their entirety Teman's convictions on two counts each of wire fraud and bank fraud. Dkt. 380. On September 15, 2023, Teman, *pro se*, filed a new Rule 33 motion for a new trial. Dkt. 386.

For the time being, the Court will not set a deadline for the Government's response to the new Rule 33 motion. That is because Teman has stated that he intends shortly to file a separate motion for relief under 28 U.S.C. § 2255, which will claim ineffective assistance of trial counsel. The Court has appointed Karloff Commissiong, Esq., to assist Teman in preparing that motion. *See, e.g.*, Dkt. 367 (appointment). The issues that Teman has stated will be raised in the § 2255 motion, *see* Dkt. 384, appear to overlap with those raised in his new Rule 33 motion, including in that both address the checks Teman drew on the account of 18 Mercer Equity, Inc. Accordingly, it is in the interest of efficiency that the Government file a single brief that responds to both the

Rule 33 and forthcoming § 2255 motions, and that the Court resolve these motions in a single decision.

Following the filing of the anticipated § 2255 motion—and follow-on filings arising from the waiver of the attorney-client privilege that such a motion would likely entail, *see* Dkt. 367 at 2–3—the Court will set a deadline for the Government’s response to that and the Rule 33 motion.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", is positioned above a horizontal line.

PAUL A. ENGELMAYER  
United States District Judge

Dated: September 18, 2023  
New York, New York